

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

KARA WALKER,

Plaintiff(s).

V.

## GEICO CASUALTY COMPANY,

Defendant(s).

Case No.: 2:19-cv-00909-KJD-NJK

## Order

[Docket No. 19]

Pending before the Court is a motion to stay discovery on extra-contractual issues pending resolution of Defendant's motion to dismiss. Docket No. 19; *see also* Docket No. 6 (motion to dismiss). Plaintiff filed a response. Docket No. 19. Defendant filed a reply. Docket No. 23. The motion is properly decided without a hearing. *See* Local Rule 78-1. Having considered the pertinent standards, *see, e.g.*, *Kor Media Grp., LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013), the motion to stay discovery is **GRANTED**.<sup>1</sup> Discovery is stayed only with respect to extra-contractual issues and discovery will otherwise proceed. *Cf. Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 602 (D. Nev. 2011) (limited stays of discovery are proper where the pending motion

<sup>1</sup> These standards require, *inter alia*, that the undersigned conduct a “preliminary peek” at the merits of the motion to dismiss, which is not intended to prejudice the outcome of that motion and puts the undersigned in an awkward position because the assigned district judge who will decide the motion to dismiss may have a different view of its merits. *See, e.g., id.* at 583 n.4. As a result, the undersigned will not provide discussion of the merits of the pending motion to dismiss in this instance. Nonetheless, the undersigned has carefully reviewed the arguments presented in the motion to dismiss and subsequent briefing, and has concluded that it is appropriate to stay discovery on the extra-contractual issues.

1 is “at least dispositive on the issue on which discovery is sought”). In the event resolution of the  
2 motion to dismiss does not result in dismissal of the extra-contractual claims, the parties shall file  
3 an amended proposed discovery plan within 14 days of the resolution of that motion.

4 IT IS SO ORDERED.

5 Dated: October 3, 2019

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7 Nancy J. Koppe  
8 United States Magistrate Judge

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